

Hamilton County

Hamilton County Board of Commissioners

RESOLUTION

No. 611-29 B

(P. C. No. 2011-068)

A RESOLUTION TO GRANT A SPECIAL EXCEPTIONS PERMIT FOR A PRELIMINARY RESIDENTIAL PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED AT 9755 EAST BRAINERD ROAD

WHEREAS, Brandon Waters petitioned the Chattanooga-Hamilton County Regional Planning Commission to grant a Special Exceptions Permit for a Preliminary Residential Planned Unit Development on property located at 9755 East Brainerd Road, and said Planning Commission after hearing recommended that this petition be approved; and

WHEREAS, Brandon Waters requested that the County Commission consider said petition and notice has been published in a newspaper in general circulation in Hamilton County that the County Commission will hold a public hearing on June 15, 2011, concerning the passage of this Resolution as required by law, and such hearing having been held.

NOW, THEREFORE, BE IT RESOLVED, BY THIS COUNTY LEGISLATIVE BODY IN SESSION ASSEMBLED: That the zoning regulations of Hamilton County be amended, subject to screening of Lot 1 with two staggered rows (spaced a maximum of seven feet apart) of shrubs spaced a maximum of eight feet on-center along the frontage of East Brainerd Road and subject to attached Additional Requirements & Conditions, granting a Special Exceptions Permit for a Preliminary Residential Planned Unit Development on property located at 9755 East Brainerd Road. An unplatted tract of land located at 9755 East Brainerd Road being the property described in Deed Book 9141, Page 674, ROHC. Tax Map 172-071 as shown on the attached map.

BE IT FURTHER RESOLVED, THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

BECAME LAW UNDER TEN (10) DAY PROVISION
CHAPTER 934, TENNESSEE PUBLIC ACTS OF 1978

ATTEST W. F. (BILL) KNOWLES
DEPUTY COUNTY CLERK
DATE 06-27-11

Approved: ☒Rejected: ☐Approved: ☐Vetoed: ☐

CERTIFICATION OF ACTION

County Clerk

County Mayor

June 15, 2011

Date



the Neighborhood Commercial areas or major roadways." Although that community plan does not contain this area within its boundaries, this recommendation does seem suitable for this location.

In order to help maintain the more rural character of the East Brainerd Road corridor, staff is recommending screening of the lot containing the detention pond (Lot 1) along the frontage of East Brainerd Road.

ADDITIONAL REQUIREMENTS & CONDITIONS:

Required Conditions

1. The property adjacent to the area included in the plan will not be adversely affected.
2. The plan is consistent with the intent and purpose of the Hamilton County Zoning Regulations to promote public health, safety, morals and general welfare.
3. The buildings will be used only for detached single-family dwellings, accessory uses and community activities.
4. There is a need for this development in the proposed location.
5. There is reasonable assurance that the development will proceed according to the spirit and letter of the approved plans.

A. Planning Commission Requirements

1. The property must be rezoned to another zone by the County Commission. If this is not done the A-1 Zone would permit only two units per acre or 4 units in a P.U.D or subdivision.
2. Dedicate 25' radius rounded right-of-way in lots 1 and 12 at the intersection of East Brainerd Road and the proposed road.
3. Submit road profiles, sewer plan and profiles, drainage plans including pipe sizes and locations and contour lines with the final P.U.D plans.
4. Show the center line of East Brainerd Road and the right-of-way width of East Brainerd Road.
5. Show the existing fire hydrant along East Brainerd Road near lot 1.
6. An additional fire hydrant is required at the lot line between lots 3 and 4 or the lot line between lots 10 and 11 on the same side of the road as the water line.
7. The minimum building setbacks are 25' from the outer boundary of the P.U.D, 10' from the new road and 10' between free-standing buildings.
8. Note that no building of any kind is permitted in lot 1 and that no residential building is permitted in lot 5.

B. Hamilton County Engineer's Office Requirements

1. A minimum of 8" of crushed stone base is required in public roads.

2. Due to existing drainage in East Brainerd Road a drainage pipe is required in East Brainerd Road at the new road. Show the size, location and number of acres drained for this pipe.
3. Due to the limited capacity of off-site drainage facilities and potential impact on properties down stream, off-site drainage is limited to 80% of the pre-development level. Submit a hydrology report showing pre-and-post development runoff and a drainage plan to limit off-site drainage to 80% of pre-development amounts.
4. Submit detailed drawings of any detention pond or facilities.
5. Add a 15' power, communication, vegetation and fencing clearance easement along East Brainerd Road in lots 1 and 12. Note, that the Government of Hamilton County reserves the right at any time to remove vegetation over 3' high, buildings or fencing in the 15' power, communication, vegetation and fencing clearance easement in lots 1 and 12.
6. In order to have acceptable site distance on East Brainerd Road at the intersection at least 35' from the pavement of East Brainerd Road needs to be kept free of sight obscuring fences, buildings, structures and other obstructions to visibility.
7. The developer discussed the possibility of piping the entire frontage along East Brainerd Road. If this is done there will need to be clean-out structures every 50'.
8. Section 302.5.2 of the Hamilton County Subdivision Regulations requires that intersection center lines must be offset less than 10' or more than 125'. The centerline of the proposed road may be offset between 10' and 125' from the centerline of existing Dakota Lane (Private). This would not meet the regulation. Before any decision can be made on moving the centerline of the proposed road this centerline must be staked.
9. At least center stake the proposed road prior to final P.U.D submittal. The County Engineer's Office generally requires that roads be rough graded prior to final plat submittal.
10. Questions about Hamilton County Engineer's Office requirements should be directed to Mr. Mike Hendrix at 209-7810.

C. Utility Requirements

1. Show a 15' power and communication easement in lots 1 and 12 along East Brainerd Road.
2. Show a 10' power and communication easement along both sides of the new road.

D. Tennessee Department of Health and Environment Regulations

1. Under current policies, the Mylar copy of the final plat cannot be recorded until the Tennessee Department of Health and Environment, Division of Water Supply, has approved the water line extension.

E. N.P.D.E.S. Permit

1. Since there is to be more than one acre of disturbed ground, including building sites, in this subdivision, an N.P.D.E.S. (National Pollutant Discharge Elimination System) Permit to discharge storm water associated with construction activity is necessary.

2. Although there is not local enforcement of this permit, the state can impose civil and criminal penalties on the developer for failure to obtain a permit when one is necessary. The developer should contact the following office to answer questions about filing such a permit:

Tennessee Department of Environment and Conservation
Division of Water Pollution Control
540 McCallie Avenue
Suite 550
Chattanooga, TN 37402
(423) 634-5745

E. S.W.P.P.P. PERMIT

1. As part of Storm Water Pollution Prevention Plan (S.W.P.P.P.), the State of Tennessee may require 60' riparian buffer zones during construction along or in drainage areas of streams designated by the State as high quality or impaired. The developer should contact the Tennessee Department of Environment and Conservation to determine if buffer zones are required.

F. A.R.A.P. Permit

1. Since a stream may be involved in this subdivision, an A.R.A.P. (Aquatic Resource Alteration Permit) may be required by the State of Tennessee.
2. Although there is no local requirement or enforcement of this permit, the state can impose penalties and requirements if an A.R.A.P. permit is necessary but has not been obtained.
3. The developer is urged to contact the Tennessee Department of Environment, Division of Water Pollution Control at the above address and phone number to determine if an A.R.A.P. permit is require.

FB: bs

Brandon Waters P.U.D

2011-068 Hamilton County
May 9, 2011

RESOLUTION

WHEREAS, Brandon Waters petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the County Mayor and Members of the County Commission, a Special Exceptions Permit for a Preliminary Residential Planned Unit Development on property located at 9755 East Brainerd Road.

An unplatted tract of land located at 9755 East Brainerd Road being the property described in Deed Book 9141, Page 674, ROHC. Tax Map 172-071 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 9, 2011,


AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

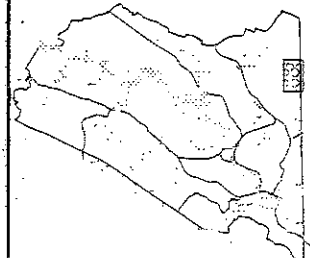
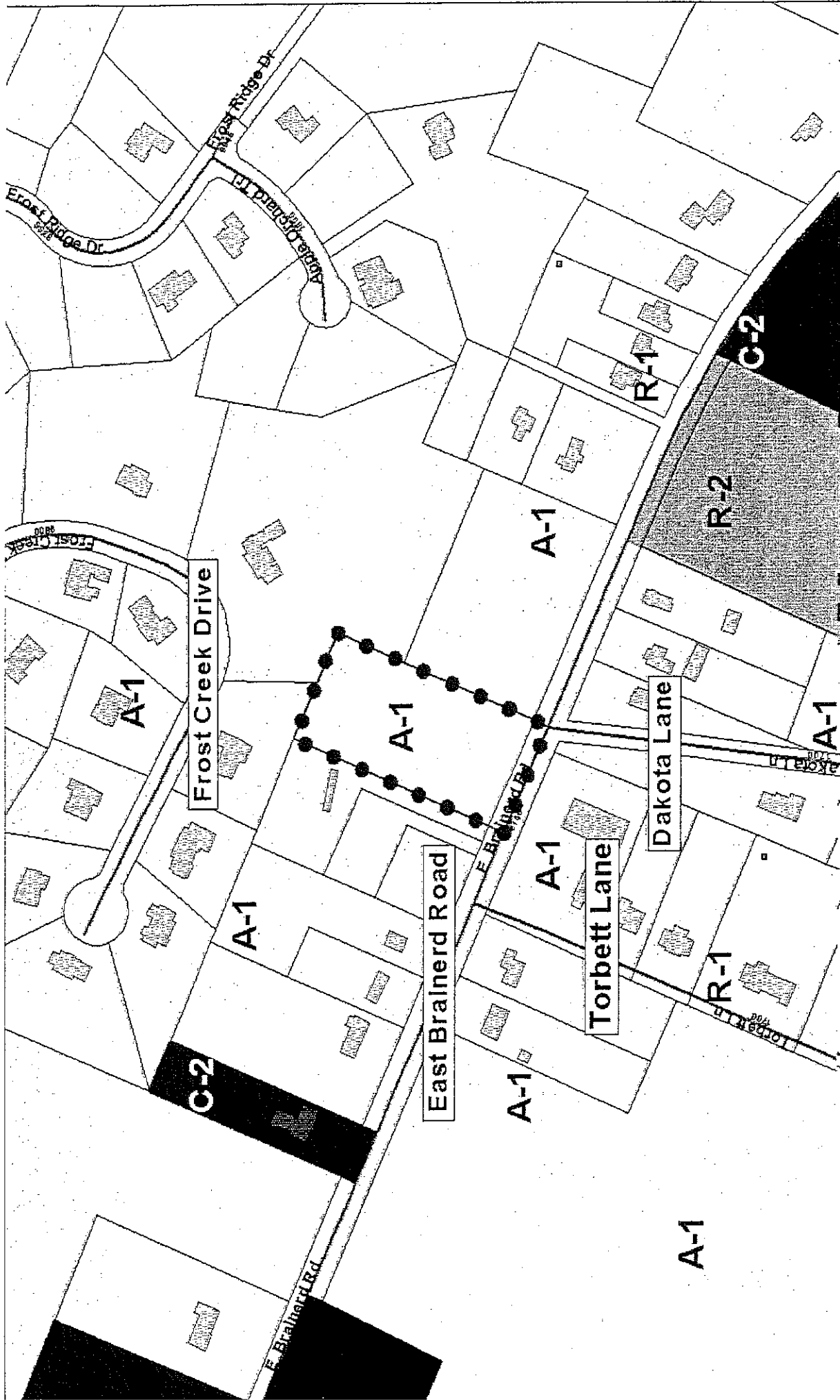
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on May 9, 2011, recommended to the County Mayor and Members of the County Commission that this petition be approved, subject to screening of Lot 1 with two staggered rows (spaced a maximum of seven feet apart) of shrubs spaced a maximum of eight feet on-center along the frontage of East Brainerd Road and subject to attached Additional Requirements & Conditions. (attached)

Respectfully submitted,



John Bridger
Secretary



2011-0068 Residential PUD



1 in. = 250.0 feet



Chattanooga - Hamilton County Regional Planning Agency

Chattanooga-Hamilton County Regional Planning Agency

RPA Staff Report & Recommendations

Planning Commission Meeting Date: May 9, 2011

Case Number: 2011-068

STAFF RECOMMENDATION: APPROVE, subject to screening of Lot 1 with two staggered rows (spaced a maximum of seven feet apart) of shrubs spaced a maximum of eight feet on-center along the frontage of East Brainerd Road and subject to attached Additional Requirements & Conditions.

Applicant: Brandon Waters

Property Address: 9755 East Brainerd Road

Jurisdiction: County District 9

Neighborhood: Frost Creek Farms nearby

Development Sector: Outer Suburban/Transitional Growth

Planning Commission Recommendation:

Approve Staff Recommendation

Applicant Request

Special Exceptions Permit: Preliminary Planned Unit Development

Proposed Development

Site Plan Submitted: Yes

Proposed Use: Residential Subdivision- 10 Dwelling Units

Purpose: Residential Planned Unit Development

Site Characteristics

Current Zoning: A-1 Agricultural

Current Use: Vacant

Adjacent Uses: Residential, Cemetery, Frost Creek Farms subdivision

Size of Tract: 2.05 Acres

Density: 4.88 Units Per Acre

Analysis

Extension of Current Zoning: Not Applicable

Name of Community Land Use Plan: None

Proposed Use Supported by Comprehensive Plan: Yes

Planning Staff Comments:

This site is located along East Brainerd Road east of its intersection with Ooltewah-Ringgold Road. The proposed lot size of the Planned Unit Development is generally not in keeping with surrounding development. The largest lot is 8,363 square feet and the smallest residential lot is 5,903 square feet (the average residential lot size is 6,435 square feet). The site plan shows two nonresidential lots designated as green space and detention that account for an additional 7,133 square feet of lot area.

Staff is recommending approval of the Special Permit as this section of the East Brainerd Road corridor has been transitioning from low-density single-family residential uses in the past few years. A 14 acre site approximately 800' to the east was rezoned to C-2 in 2008; a site approximately 600' to the west was rezoned to C-2 in 2010. Additionally, the East Brainerd Community Plan (which provides recommendations for land use west of the road's intersection with Ooltewah-Ringgold Road) recommends a Medium Density residential mix for that portion of the corridor. The plan states that "Medium Density Residential is typically intended for two-family dwellings (duplexes and townhomes) with a density of five to eight units per acre." The plan continues with "It is preferable to locate additional medium density two-family dwellings in or near

the Neighborhood Commercial areas or major roadways." Although that community plan does not contain this area within its boundaries, this recommendation does seem suitable for this location.

In order to help maintain the more rural character of the East Brainerd Road corridor, staff is recommending screening of the lot containing the detention pond (Lot 1) along the frontage of East Brainerd Road.

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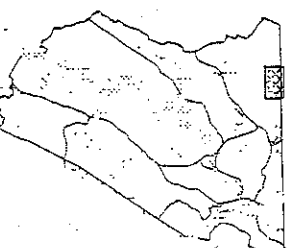
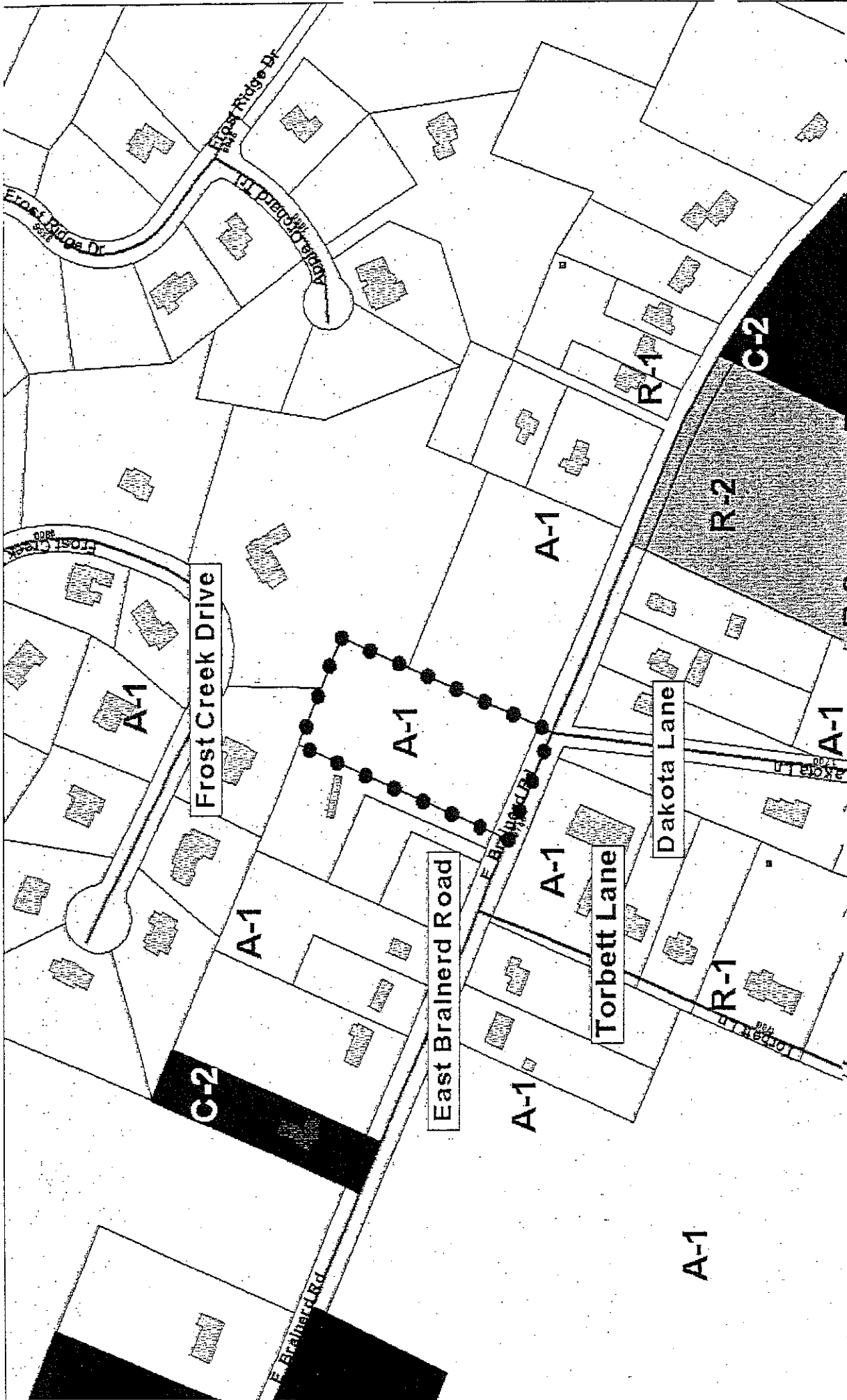
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Brandon Waters P.U.D



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2011-0068 Residential PUD

Chattanooga - Hamilton County Regional Planning Agency

